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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/05/2011 has been entered.

Response to Arguments/Amendments

Applicant's amendments and arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection set forth in this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto U.S. Patent No. 5,706,271.

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As per claim 1, Hashimoto discloses a record carrier (Fig. 3) comprising a plurality of areas (PCA having 6-6a and 7-7a) for storing disc management information (Wc + OPC test) and a designation area (7), said designation area including a predefined number of clusters (7a), said predefined number being associated with a number of said plurality of areas (6a), wherein at least one of said clusters is associated with a corresponding one of the plurality of areas for storing disc management information (each 1-100 7a corresponding to the 1-100 6a), wherein signals in the designation area indicate which corresponding one of indicating which of selected ones of said plurality of areas for storing disc management information is in use (col. 2, lines 1-7).

As per claim 2, Hashimoto discloses wherein the designation area (7) is located inside one of said plurality of areas (PCA comprised by 6 and 7) for storing disc management information.

As per claim 3, Hashimoto discloses wherein the designation area is located adjacent to one of said plurality of areas for storing disc management information (see Fig. 3; area 6 and area 7).

As per claim 4, Hashimoto discloses wherein the signals comprise marks for indicating a first status of a corresponding one of the plurality of areas at for storing disc management information and no marks for indicating a second status of a corresponding one of the plurality of areas for storing disc management information (recorded 7a and unrecorded 7a; col. 2, lines 1-7).

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As per claim 5, Hashimoto discloses wherein the first status indicates that a corresponding area of said plurality of areas for storing disc management information is in use, and the second status indicates that the corresponding area of said plurality of areas for storing disc management information is not in use (recorded 7a in use, unrecorded 7a unused; 7a; col. 2, lines 1-7).

Claims 6 -8 readily correspond to the method using the record carrier above and rejected for the same reasons of anticipation used above.

The relationship between the location and or pointer as in claims 7 and 8, are the corresponding one to one relationship between areas 7a and 6a, which 7a pointing location at which the 6a location is retrieve to subsequently retrieve de information (OPC test information + Wc information).

As per claims 10-16, Hashimoto discloses whether implicitly or explicitly the plurality of areas are identified for instance when obtaining a recorded or unrecorded state of the cluster 7a, and that the areas are in a known region of the record carries.

Claims 17-19 recite similar limitation with the ones treated above and are rejected for the same reasons of anticipation.

As per claim clam 20, Hashimoto further expressly discloses having an equal number of the predefined number (1-100 and 1-100; for the example shown in Fig. 3).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto U.S. Patent No. 5,706,271.

The mere choice of having one less of the number instead of being equal, simply provides for the obvious which would lie in the common sense of an ordinary skill in the art that when at the beginning of the use of the record carrier the very first area of the plurality of areas is the one that obviously is going to be used, hence no indication whether in use or unused is necessary at the start, hence one less cluster would be necessary.

Therefore, it would have been obvious at the time of the invention to selectively decide whether use the equal number or one less as a matter of design choice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JORGE L ORTIZ CRIADO/
Primary Examiner, Art Unit 2627